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Financing of the International Residual Mechanism for Criminal Tribunals

Report of the Fifth Committee

Rapporteur: Mr. Justin **Kisoka** (United Republic of Tanzania)

I. Introduction

1. The previous recommendation made by the Fifth Committee to the General Assembly under agenda item 144 is set out in the report of the Committee contained in document A/67/676.

2. The Fifth Committee resumed its consideration of the item at its 25th and 27th meetings, on 8 and 28 March 2013. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/67/SR.25 and 27).

3. For its further consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/67/696);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/67/768).

II. Consideration of draft resolution A/C.5/67/L.26

4. At its 27th meeting, on 28 March, the Committee had before it a draft resolution entitled "International Residual Mechanism for Criminal Tribunals" (A/C.5/67/L.26), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of Ecuador.

5. At the same meeting, the Committee adopted draft resolution A/C.5/67/L.26 without a vote (see para. 6).

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III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

International Residual Mechanism for Criminal Tribunals

The General Assembly,

Recalling its resolutions 66/240 B of 21 June 2012 and 67/244 of 24 December 2012,

Having considered the report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch,[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the report of the Secretary-General on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch;[1]

2. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

3. *Notes with appreciation* the continued efforts of the Government of the United Republic of Tanzania in facilitating the construction project;

4. *Welcomes* the progress made in the implementation of the mandates related to the construction of the facility;

5. *Authorizes* the activities related to all phases of the construction of the facility;

6. *Authorizes* the Secretary-General to establish a multi-year special account to record income and expenditure for the construction of the facility;

7. *Welcomes* the use of local knowledge in the design stage, and in this regard encourages the Secretary-General to continue his efforts in including local knowledge and capacity in the implementation of the project;

8. *Commends* the Secretary-General for the savings achieved by using in-house capacity for developing the conceptual design, and encourages him to continue to find further savings where possible during the implementation of the project;

9. *Recalls* paragraph 9 of the report of the Advisory Committee on Administrative and Budgetary Questions, and in this regard requests the Secretary-General to apply the flexible use of office space in the Arusha branch project, upon the approval by the General Assembly of flexible workspace arrangements in the Secretariat;

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[1] A/67/696.

[2] A/67/768.

10. *Requests* the Secretary-General to entrust the Office of Internal Oversight Services with ensuring effective oversight of the implementation of the construction of the facility and with submitting to the General Assembly information on key findings in the context of its annual reports;

11. *Recalls* the mandate that the Mechanism should be a small, temporary and efficient structure, whose functions and size will diminish over time, with a small number of staff commensurate with its reduced functions;

12. *Also recalls* paragraph 36 of the report of the Secretary-General, and encourages the Secretary-General to continue his efforts to ensure that the required courtroom space is completed in a cost-effective manner, keeping in mind the varying judicial requirements of the Mechanism, and to continue to report thereon in the context of the performance reports;

13. *Requests* the Secretary-General to make further efforts to shorten the duration of the construction project, to allocate the resources provided in the most effective and efficient manner and to submit a progress report no later than at the first part of the resumed sixty-eighth session of the General Assembly;

14. *Also requests* the Secretary-General, through the Office of Central Support Services of the Department of Management, to update Member States regularly on the progress of the construction project;

15. *Emphasizes* the importance of guidance, interaction and coordination between the Secretariat in New York, including the Office of Central Support Services, on the one hand, and the Mechanism, Arusha branch, on the other hand, with clear reporting lines during the implementation of the project;

16. *Stresses* the importance of the leadership and guidance of the Secretary-General and senior management, as well as of a commitment to the construction project by all parties concerned during the execution and completion of the project;

17. *Takes note* of paragraphs 21 and 22 of the report of the Secretary-General, and in this regard requests the Secretary-General to ensure that the procurement of goods and services for the construction project is carried out in strict compliance with the existing regulations, rules and relevant provisions of General Assembly resolutions governing procurement in the United Nations;

18. *Recalls* paragraph 33 of its resolution 62/269 of 20 June 2008;

19. *Also recalls* paragraph 12 of the report of the Advisory Committee on Administrative and Budgetary Questions, and in this regard requests the Secretary-General to continue bilateral exchanges with judicial institutions such as the African Court on Human and Peoples' Rights to discuss issues of mutual interest, including exploring the possibility of sharing facilities, particularly a courtroom, in the future and to report on the outcome of the exchanges in the context of the progress reports;

20. *Notes* that additional requirements for the project will be included in the proposed budget for the Mechanism for the biennium 2014-2015.